

**SENSITIVE**

**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT**

MUR 5445

DATE COMPLAINT FILED: 4/22/04<sup>1</sup>

DATE OF NOTIFICATION: 4/29/04

DATE ACTIVATED: 8/11/04

EXPIRATION OF STATUTE OF  
LIMITATIONS: 2/26/08

COMPLAINANT:

Public Citizen, Inc.

RESPONDENTS:

Quentin Nesbitt

Geoffrey Davis for Congress and Joe Green, in his official  
capacity as treasurer

Family First and Timothy Dodds, in his official  
capacity as treasurer

Majority Initiative to Keep Electing Republicans (MIKE R)  
and Mark Valente III, in his official capacity as treasurer

MIKE PAC and Mark Valente III, in his official capacity  
as treasurer

Carolina Majority PAC and Mark Valente III, in his official  
capacity as treasurer

Milead Fund and Mark Brenner, in his official capacity  
as treasurer

Campaign for Working Families and Amy R. Myers, in her  
official capacity as treasurer

RELEVANT STATUTES:

2 U.S.C. § 441a(a)(1)

2 U.S.C. § 441a(a)(8)

2 U.S.C. § 441f

11 C.F.R. § 110.1(h)

11 C.F.R. § 110.6

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

<sup>1</sup> The Commission received the complaint on April 22, 2004, although it is dated April 23, 2004.

1    **I. INTRODUCTION**

2            Based on disclosure reports on file with the Commission, the complaint alleges that after  
3    contributing the maximum amounts (\$2,000 each on February 26, 2003 for the 2004 primary and  
4    general elections) to the principal campaign committee of Geoffrey Davis, Geoffrey Davis for  
5    Congress ("2004 Davis Committee"), Quentin Nesbitt contributed a total of \$15,000 to six  
6    different political action committees ("PACs"). The PACs then allegedly made corresponding  
7    contributions to the 2004 Davis Committee, within nine days of their receipt of Nesbitt's  
8    contributions.<sup>2</sup> The six PACs in question are Family First, Majority Initiative to Keep Electing  
9    Republicans (MIKE R), MIKE PAC, Carolina Majority PAC ("Carolina Majority"), Milead  
10   Fund ("Milead"), and Campaign for Working Families ("Working Families"). Because of the  
11   timing of the contributions and the contribution patterns, Complainant alleges that Nesbitt's  
12   contributions were earmarked under the Commission's regulations at 11 C.F.R. § 110.6, were  
13   excessive contributions to the 2004 Davis Committee, and were contributions in the name of  
14   another. Complaint at 7.

15            Despite Complainant's assertions, the available information does not indicate that the  
16   instant contributions were earmarked under the Commission's regulations at 11 C.F.R. § 110.6,  
17   were excessive contributions to the 2004 Davis Committee, or were contributions in the name of  
18   another. Accordingly, this Office recommends that the Commission find no reason to believe  
19   respondents violated the Federal Election Campaign Act of 1971, as amended ("the Act"), in this  
20   matter and close the file.

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2    According to Complainant and publicly available information, Nesbitt is founder and chairman of a Cincinnati, Ohio communications technology firm named Data Processing Sciences. Geoffrey Davis was a candidate in Kentucky's 4<sup>th</sup> Congressional District and won the 2004 general election with fifty-five percent (55%) of the vote.

1 **II. FACTUAL AND LEGAL ANALYSIS**

2 **A. Factual Background**

3 **1. Family First**

4 According to publicly available information, Family First is a PAC organized by Timothy  
5 Dodds to identify, support, and elect candidates loyal to pro-family issues. *See*  
6 <http://www.familyfirstpac.com>. It is registered with the Commission as a non-connected PAC  
7 and a multicandidate committee. As described in the complaint, Commission records show that  
8 Family First received a \$5,000 contribution from Nesbitt on March 31, 2003 and on the same day  
9 made a \$5,000 contribution to the 2004 Davis Committee for the general election. Family First's  
10 2003 April Quarterly Report shows that Nesbitt's \$5,000 contribution was the only contribution  
11 Family First received during the reporting period; it also shows that Family First had \$1,885 cash  
12 on hand at the beginning and \$1,879 at the end of the reporting period. Family First's 2004  
13 October Quarterly Report shows that, although it received no additional contributions during the  
14 reporting period, it made an additional \$1,000 contribution to the 2004 Davis Committee on  
15 August 2, 2004 for the general election.<sup>3</sup>

16 Commission records show that Nesbitt previously contributed to Family First (\$1,000 on  
17 December 2, 1999) and that Family First contributed \$2,500 (\$500 on December 20, 2001 and  
18 \$2,000 on May 23, 2002) to Davis's 2002 campaign. Those records also show that Family First,  
19 contributing since 1998, is thinly funded and has a history of making contributions soon after it  
20 receives funds. It has made contributions to relatively few candidates, contributing to only eight  
21 (8) candidates since its inception in 1998. During the 2002 and 2004 election cycles, Family

<sup>3</sup> The 2004 Davis Committee's 2003 April Quarterly Report attributed the \$5,000 contribution to the May 18, 2004 primary election and its 2004 October Quarterly Report attributed the \$1,000 contribution to the general election. In its response to the complaint, Family First stated that it had endorsed Davis for the primary election. *See* Declaration of Tanya Lee at 1.

1 First contributed only to Davis's campaigns. As with the \$5,000 contribution at issue, prior  
2 Family First contributions have taken up a significant portion of its available funds. For  
3 example, the \$500 it contributed to Davis's 2002 congressional campaign on December 20, 2001  
4 was all the funds it received during that reporting period; the funds were from two \$250  
5 contributions from its treasurer (Timothy Dodds) and another individual (Dr. Arthur Kunath).<sup>4</sup>  
6 That \$500 contribution to Davis's 2002 campaign was also made on the same date Family First  
7 received the two \$250 contributions (December 20, 2001).

8 In a signed declaration, Family First's Executive Director specifically denied any  
9 arrangement with Nesbitt to use his contribution for Davis's 2004 campaign. See Family First's  
10 Response, Declaration of Tanya Lee.

## 11 2. Working Families

12 Working Families is a PAC dedicated to electing pro-family, pro-life, and pro-free  
13 enterprise federal and state candidates that was founded by Gary Bauer, a former presidential  
14 candidate. See <http://www.cwfpac.com>. It is registered with the Commission as a non-  
15 connected PAC and a multicandidate committee. Working Families' 2003 Mid-Year Report  
16 shows that it received contributions of \$2,000 and \$3,000 from Nesbitt on April 28, 2003 and  
17 June 10, 2003, respectively, and that it made a \$5,000 contribution to the 2004 Davis Committee  
18 on June 19, 2003 for the primary election. It also made a \$1,000 contribution to another  
19 committee (Musgrave for Congress) on June 19, 2003, the same date as the Davis contribution.  
20 The 2003 Mid-Year Report shows that Working Families had \$401,024 cash on hand at the  
21 beginning of the reporting period, it received \$243,532 in contributions, and it had \$451,312 cash  
22 on hand at the end of the reporting period. Working Families' 2004 July Monthly Report shows

<sup>4</sup> Commission records show that Timothy Dodds has made no contributions to Davis's campaigns. Dr. Kunath made two contributions to Davis's 2002 campaign, \$250 on June 20, 2001 and \$750 on December 31, 2001.

1 that it made an additional \$1,000 contribution to the 2004 Davis Committee on June 15, 2004 for  
2 the general election.

3 Commission records show that Nesbitt had a pattern of prior contributions to Working  
4 Families. During the 2000 and 2002 election cycles, he contributed the following amounts:  
5 \$1,000 on September 6, 2000; \$1,000 on December 18, 2000; \$500 on December 12, 2001; and  
6 \$5,000 on February 12, 2002. Commission records also show that Working Families previously  
7 contributed to Davis's 2002 campaign; it contributed \$5,000 on October 8, 2002.

8 Although not raised in the complaint, Nesbitt and Working Families' chairman, Gary  
9 Bauer, acknowledged a discussion in early May 2003 in which Nesbitt requested that Bauer use  
10 his influence to unite local conservative leaders behind Davis's candidacy and to provide early  
11 financial support to fend off primary challengers. However, both individuals denied (Nesbitt in a  
12 notarized affidavit and Bauer in a signed declaration) that Nesbitt asked anyone at Working  
13 Families to direct his contribution to the 2004 Davis Committee. *See Working Families'*  
14 *Response, Declaration of Gary L. Bauer and Nesbitt's Response, Attachment B.* Bauer also  
15 denied communicating with any of the other respondent PACs in this matter.

16 **3. MIKE R**

17 MIKE R is a "Leadership PAC" of Congressman Mike Rogers. *See MIKE R's Response,*  
18 *Affidavit of Congressman Mike Rogers.* It is registered with the Commission as a non-  
19 connected PAC and a multicandidate committee. MIKE R's 2003 Year-End Report shows that it  
20 received a \$1,000 contribution from Nesbitt on September 23, 2003, and it made a \$2,000  
21 contribution to the 2004 Davis Committee on September 30, 2003. The 2003 Year-End Report  
22 also shows that MIKE R had \$26,814 cash on hand at the beginning of the reporting period, it  
23 received \$114,940 in contributions, and it had \$68,959 cash on hand at the end of the reporting

1 period. The Report shows that MIKE R also made \$1,000 contributions to three other  
2 committees (Graves for Congress, Thompson for Congress, and John Sullivan for Congress) on  
3 September 30, 2003, the same date as its \$2,000 contribution to the 2004 Davis Committee.  
4 Commission records show that MIKE R previously contributed \$1,000 on September 17, 2002 to  
5 Davis's 2002 campaign. The records also show that Nesbitt made no prior or subsequent  
6 contributions to MIKE R other than the instant \$1,000 contribution. In signed affidavits,  
7 MIKE R's treasurer and its organizer both denied any agreement with Nesbitt to use his  
8 contribution for Davis's 2004 campaign. *See* MIKE R's Response, Affidavits of Treasurer Mark  
9 Valente III and Congressman Mike Rogers. They also denied that they, or anyone at MIKE R,  
10 ever met or spoke with Nesbitt.

11 **4. MIKE PAC**

12 MIKE PAC is a "Leadership PAC" of Congressman Mike Ferguson. *See* MIKE PAC's  
13 Response, Exhibit C (Congressman Ferguson's thank you note). It is registered with the  
14 Commission as a non-connected PAC and a multicandidate committee. MIKE PAC's 2003  
15 Year-End Report shows that it received a \$1,000 contribution from Nesbitt on September 23,  
16 2003. However, the disclosure reports show that MIKE PAC never contributed to the 2004  
17 Davis Committee.

18 **5. Carolina Majority**

19 Carolina Majority is a "Leadership PAC" of Congressman Joe Wilson. *See* Carolina  
20 Majority's Response, Affidavit of Congressman Joe Wilson. It is registered with the  
21 Commission as a non-connected PAC and a multicandidate committee. Carolina Majority's  
22 2003 Year-End Report shows that it received a \$2,000 contribution from Nesbitt on September  
23 23, 2003, and it made a \$2,000 contribution to the 2004 Davis Committee on September 30,

2003. The 2003 Year-End Report also shows that Carolina Majority had \$1,033 cash on hand at the beginning of the reporting period, it received \$9,740 in contributions, and it had \$148 cash on hand at the end of the reporting period. The Report further shows that Carolina Majority made a \$250 contribution to another committee (Neugebauer Congressional Committee) on September 30, 2003, the same date as its \$2,000 contribution to the 2004 Davis Committee. Commission records show that Carolina Majority made no prior contributions to Davis's 2002 campaign; however, it did not achieve multicandidate status until November 1, 2002. The records also show that Nesbitt made no prior or subsequent contributions to Carolina Majority other than the instant \$2,000 contribution. In signed affidavits, Carolina Majority's treasurer and its organizer both specifically denied any agreement with Nesbitt to use his contribution for Davis's 2004 campaign. *See* Carolina Majority's Response, Affidavits of Treasurer Mark Valente III and Congressman Joe Wilson. They also denied that they, or anyone at Carolina Majority, ever met or spoke with Nesbitt.

#### 6. Milead

Milead is a "Leadership PAC" of Congressman Pete Hoekstra. *See* Milead's Response, Affidavit of Congressman Pete Hoekstra. It is registered with the Commission as a non-connected PAC and a multicandidate committee. Milead's 2003 Year-End Report shows that it received a \$1,000 contribution from Nesbitt on September 23, 2003, and it made a \$1,000 contribution to the 2004 Davis Committee on September 30, 2003. The 2003 Year-End Report also shows that Milead had \$78 cash on hand at the beginning of the reporting period, it received \$8,700 in contributions, and it had \$3,055 cash on hand at the end of the reporting period. Commission records show that Milead previously contributed \$500 on October 30, 2002 to Davis's 2002 campaign. The records also show that Nesbitt made no prior or subsequent

1 contributions to Milead other than the instant \$1,000 contribution. In signed affidavits, Milead's  
2 treasurer and its organizer both denied any agreement with Nesbitt to use his contribution for  
3 Davis's 2004 campaign. *See* Milead's Response, Affidavits of Treasurer Mark Brenner and  
4 Congressman Pete Hoekstra. They also denied that they, or anyone at Milead, ever met or spoke  
5 with Nesbitt.

6 **B. Analysis**

7 **1. Contributions to Committees Supporting the Same Candidate**

8 Nesbitt denies that he made excessive contributions and contributions in the name of  
9 another, which are prohibited by the Act. *See* 2 U.S.C. §§ 441a(a) and 441f. In a notarized  
10 affidavit, Nesbitt states that he did not instruct the respondent PACs to contribute to the 2004  
11 Davis Committee and that he did not know that the PACs would contribute to Davis's 2004  
12 campaign. Nesbitt's Response, Attachment B. He also stated in the affidavit that it was his  
13 understanding that all his contributions to the respondent PACs were in their complete control.  
14 *Id.* Citing to 11 C.F.R. § 110.1(h), Nesbitt asserts his right to contribute to a candidate and  
15 committees that also support that candidate, provided that he does not have knowledge that a  
16 substantial portion of his contribution will be contributed to that candidate and that he does not  
17 retain control of the funds. Nesbitt Response at 1. He further asserts that the regulations do not  
18 prohibit a contributor from knowing the candidates a committee has supported (a matter of  
19 public record), as long as the contributor does not have knowledge that the committee will  
20 contribute to a candidate in the election. *Id.* Finally, Nesbitt pointed out that four of the six  
21 respondent PACs previously contributed to Davis's 2002 Congressional campaign and asserted  
22 that it was not unforeseen that the PACs would contribute to Davis's 2004 Congressional  
23 campaign, especially since Davis lost the 2002 race by a narrow margin.



1 The Commission's regulations at 11 C.F.R. § 110.1(h) permit a person to contribute to a  
2 candidate or his or her authorized committee with respect to a particular election and also  
3 contribute to a political committee which has supported, or anticipates supporting, the same  
4 candidate in the same election, as long as — (1) The political committee is not the candidate's  
5 principal campaign committee or other authorized political committee or a single candidate  
6 committee; (2) The contributor does not give with the knowledge that a substantial portion will  
7 be contributed to, or expended on behalf of, that candidate for the same election; and (3) The  
8 contributor does not retain control over the funds. If the contributor has the requisite knowledge  
9 or retains control of the funds, the contributions count against the contributor's contribution  
10 limits under section 441a(a) of the Act, and the additional contributions are treated as excessive  
11 contributions.

12 **a. Knowledge Restriction**

13 Nesbitt's assertions raise issues regarding the level and type of knowledge required to run  
14 afoul of section 110.1(h). Section 110.1(h)(2) only provides for aggregation of a contributor's  
15 contributions to different committees in the case where the contributor has knowledge of the  
16 committee's plans. It applies to situations where a contributor knows that a substantial portion of  
17 his contribution will go to the candidate, even if it has not been earmarked. Neither the Act nor  
18 the regulation specify any particular way that the knowledge referenced in section 110.1(h)  
19 might be gained by the contributor—it could presumably come from any source, including the  
20 assurances of a third-party in a position to know a committee's (e.g., a PAC's) intentions.

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MUR 5019 (Keystone Corporation PAC), the Commission found no reason to believe respondents made excessive contributions based on this Office's conclusion that "although the contributors were likely aware that the [Keystone PAC] would likely contemporaneously contribute to the [candidate committees], it does not appear that the contributors knew that a portion of *their own contributions* would be given to a specified candidate" (emphasis in

1 original). First General Counsel's Report dated February 5, 2001 at 27-28. *See* Commission  
2 Certification dated March 7, 2001. Therefore, although Nesbitt acknowledged that it was not  
3 unforeseen that the respondent PACs would contribute to the 2004 Davis Committee based on  
4 the PACs' contribution histories, it does not appear that Nesbitt ran afoul of section 110.1(h)(2).

5 **b. Control of Funds Restriction**

6 In a notarized affidavit, Nesbitt states that he did not retain control of his contributions;  
7 rather, the PACs had complete control of his contributions.  
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10 However, based on the above discussion, the  
11 available information does not indicate that Nesbitt may have directly or indirectly retained  
12 control of his contributions under section 110.1(h)(3).

13 **c. Additional Factors**

14 A number of additional factors lead us to conclude that notwithstanding the patterns  
15 identified by Complainant, there is no reason to believe the contributions at issue were excessive  
16 or in the names of others. First, Nesbitt's contribution to MIKE PAC could not result in a  
17 violation of the Act since MIKE PAC did not make a corresponding contribution to the 2004  
18 Davis Committee. Second, MIKE R's contribution to the 2004 Davis Committee does not appear  
19 to be a pass-through since it was twice the amount of the contribution it received from Nesbitt.  
20 Although Complainant suggests that the additional \$1,000 contribution by MIKE R substituted  
21 for the \$1,000 contribution that MIKE PAC did not make to the 2004 Davis Committee,  
22 Commission records do not show a corresponding disbursement or transfer from MIKE PAC to

1 MIKE R during the relevant period. MIKE R also contributed to three other candidate  
2 committees on the same date that it contributed to the 2004 Davis Committee.

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14 Nesbitt has contributed to Working Families on multiple

15 occasions in the past.<sup>7</sup> Similarly, Working Families made additional contributions to Davis's  
16 campaigns prior to and after the alleged pass-through scheme. Those contributions suggest that  
17 it was not unusual either for Nesbitt to contribute to Working Families or for Working Families  
18 to contribute to the 2004 Davis Committee. Moreover, although Working Families' contribution  
19 to the 2004 Davis Committee was close in time to Nesbitt's second contribution to the PAC, it  
20 was not particularly close in time to Nesbitt's first contribution to the PAC. In addition, although

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<sup>7</sup> Commission records show that Nesbitt has been an active contributor since 1997; he has contributed a total of \$84,650 to candidates, PACs, and party committees. See Attachment 1.

1 Nesbitt and Bauer acknowledge having met to discuss Davis's 2004 candidacy, they specifically  
2 deny (Nesbitt under oath) that Nesbitt directed his contribution in any way. Working Families  
3 also contributed to another candidate committee on the same date that it contributed to the 2004  
4 Davis Committee. Under these circumstances, the inferences Complainant draws about the  
5 Working Families' contribution appear to be rebutted.

6 Fourth, although not a pattern, Nesbitt previously contributed to Family First in 1999.  
7 Family First, a small, very thinly funded PAC, has a history of making contributions to  
8 candidates as soon as it receives money from contributors. Moreover, Commission records show  
9 that Family First made additional contributions to Davis's campaigns prior to and after the  
10 alleged scheme. *See also* Family First's Response, Declaration of Tanya Lee at 2.

11 Finally, although there is no pattern of contributions from Nesbitt to Carolina Majority  
12 and Milead, Milead previously contributed to Davis's 2002 campaign. Considering that the  
13 allegations regarding the other PACs appear to have been sufficiently rebutted, the contributions  
14 regarding Carolina Majority and Milead appear less suspicious. In any case, the \$3,000 in  
15 contributions by these two PACs represents a comparatively small fraction of the contributions at  
16 issue.

## 17 2. Alleged Earmarked Contributions

18 Complainant alleges that the timing and amounts of Nesbitt's and the PACs'  
19 contributions show that Nesbitt's contributions to the PACs were earmarked to the 2004 Davis  
20 Committee.

21 The Act, as amended by the Bipartisan Campaign Reform Act ("BCRA"), provides that  
22 all contributions made by a person, either directly or indirectly, on behalf of a particular  
23 candidate, including contributions that are in any way earmarked or otherwise directed through

1 an intermediary or conduit to such candidate, shall be treated as contributions from such person  
2 to such candidate.<sup>8</sup> 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(a). The intermediary or conduit  
3 shall report the original source and the intended recipient of such contribution to the  
4 Commission and to the intended recipient.<sup>9</sup> 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(c). The  
5 Commission's regulations define "earmarked" as a designation, instruction, or encumbrance,  
6 whether direct or indirect, express or implied, oral or written, which results in all or any part of  
7 a contribution or expenditure being made to, or expended on behalf of, a clearly identified  
8 candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b).<sup>10</sup>

9 The available information indicates that the instant contributions were not directly or  
10 expressly earmarked to the 2004 Davis Committee. The complaint did not provide such  
11 information, and none of the contribution checks, deposit slips or other pertinent documents  
12 respondents provided include any discernible designation, instruction, or encumbrance. In  
13 notarized or signed affidavits, all of the respondents denied the earmarking allegations.

14 It also does not appear that the instant contributions were indirectly or impliedly  
15 earmarked. Although the instant contribution patterns raise questions, especially since Nesbitt  
16 had "maxed out" to the 2004 Davis Committee, the Commission previously declined to find  
17 implied earmarking in the presence of stronger indicia in MURs 4831 and 5274. Those jointly  
18 considered MURs involved 78 contributions (totaling \$183,810) to a state party committee

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<sup>8</sup> The Act defines a contribution as any gift, subscription, loan, advance, deposit of money, or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.52(a). A "person" is defined as an individual, partnership, committee, association, labor organization or any other organization or group of persons. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10.

<sup>9</sup> A "conduit" or "intermediary" is any person, with certain exceptions, who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b)(2).

<sup>10</sup> The Commission's regulations also include additional requirements for earmarked contributions that have not been cited herein because of the conclusions reached in this report.

(Missouri Democratic State Committee) that allegedly were earmarked to a senatorial candidate, (Jeremiah Nixon) during the 1998 election cycle. Nineteen of the contribution checks contained direct or express indicia of earmarking, such as memo line annotations mentioning Nixon, and letters, solicitation response cards, or envelopes mentioning Nixon. The remaining 59 contributions showed indirect or implied indicia of earmarking: they were made at a time when the Nixon campaign (Nixon Campaign Fund) was soliciting earmarked contributions, they were deposited into the state committee's bank account with deposit slips and batch notes (prepared by state committee personnel) containing Nixon annotations, and a former Nixon staff member left to work for the state committee's coordinated campaign during the relevant period. The contributions, which resulted mostly from the state committee's solicitation, were used to make coordinated party expenditures on behalf of Nixon's campaign pursuant to section 441a(d). *See* MURs 4831 and 5274 (Missouri Democratic State Committee), General Counsel's Report #5 dated September 3, 2003. The Commission concluded that there was not probable cause to believe the 59 contributions were implicitly earmarked, finding probable cause only regarding the 19 expressly earmarked contributions. *See* Commission Certification dated September 10, 2003 and Conciliation Agreement executed on October 3, 2003.

Therefore, based on the lack of any direct indicia of earmarking and on the Commission's conclusions in MURs 4831 and 5274, it does not appear that the instant contributions qualify as earmarked contributions under the Commission's regulations.

### **C. Conclusion**

The available information does not support a conclusion that the instant contributions were earmarked and appears to refute Complainant's inferences. Although Nesbitt made contributions to PACs that endorsed or previously supported Davis's Congressional campaigns,




1 no information shows that he had the requisite knowledge under section 110.1(h) or that he  
2 exercised any control over the amount of the PACs' respective contributions to the 2004 Davis  
3 Committee. Therefore, this Office recommends that the Commission find no reason to believe  
4 Quentin Nesbitt, Geoffrey Davis for Congress, Family First, Majority Initiative to Keep Electing  
5 Republicans, MIKE PAC, Carolina Majority PAC, Milead Fund, and Campaign for Working  
6 Families, and their respective treasurers violated the Act in this matter.

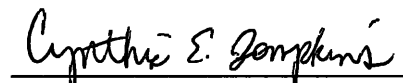
7 **III. RECOMMENDATIONS**

- 8 1. Find no reason to believe Quentin Nesbitt violated the Act in this matter.  
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10 2. Find no reason to believe Geoffrey Davis for Congress and Joe Green, in his official  
11 capacity as treasurer, violated the Act in this matter.  
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13 3. Find no reason to believe Family First and Timothy Dodds, in his official capacity as  
14 treasurer, violated the Act in this matter.  
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16 4. Find no reason to believe Majority Initiative to Keep Electing Republicans and Mark  
17 Valente III, in his official capacity as treasurer, violated the Act in this matter.  
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19 5. Find no reason to believe MIKE PAC and Mark Valente III, in his official capacity as  
20 treasurer, violated the Act in this matter.  
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22 6. Find no reason to believe Carolina Majority PAC and Mark Valente III, in his official  
23 capacity as treasurer, violated the Act in this matter.  
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25 7. Find no reason to believe Milead Fund and Mark Brenner, in his official capacity as  
26 treasurer, violated the Act in this matter.  
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28 8. Find no reason to believe Campaign for Working Families and Amy R. Myers, in her  
29 official capacity as treasurer, violated the Act in this matter.  
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31 9. Close the file.  
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33 10. Approve the appropriate letters.  
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Lawrence H. Norton  
General Counsel

2/24/05  
Date

BY:   
Lawrence L. Calvert, Jr.  
Deputy Associate General Counsel  
for Enforcement

  
Cynthia E. Tompkins  
Assistant General Counsel

  
Kamau Philbert  
Attorney

Attachment:

1. Nesbitt Contributions Chart

**QUENTIN NESBITT CONTRIBUTIONS CHART**  
**MUR 5445**

RECIPIENT	DATE	AMOUNT
Dewine For US Senate	2/27/1997	\$ 1,000.00
Voinovich for Senate Committee	3/3/1997	\$ 1,000.00
Friends of John Boehner	3/4/1997	\$ 1,000.00
Steve Chabot for Congress	1/22/1998	\$ 1,000.00
Voinovich for Senate Committee	1/28/1998	\$ 500.00
Friends of John Boehner	2/10/1998	\$ 1,000.00
Portman for Congress Committee	2/13/1998	\$ 1,000.00
A Lot of People Who Want Gex "Jay" Williams in Congress	2/23/1998	\$ 200.00
Republican Finance Committee of Hamilton County	3/25/1998	\$ 600.00
Black America's Political Action Committee	3/30/1998	\$ 250.00
A Lot of People Who Want Gex "Jay" Williams in Congress	4/28/1998	\$ 300.00
Steve Chabot for Congress	9/3/1998	\$ 1,000.00
Black America's Political Action Committee	10/20/1998	\$ 250.00
Friends of John Boehner	2/22/1999	\$ 1,000.00
Steve Chabot for Congress	3/19/1999	\$ 1,000.00
Bauer for President 2000 Inc	3/30/1999	\$ 1,000.00
McCain 2000 Inc	4/7/1999	\$ 250.00
McCain 2000 Inc	7/22/1999	\$ 750.00
Keyes 2000 Inc	9/30/1999	\$ 1,000.00
Family First	12/2/1999	\$ 1,000.00
Portman for Congress Committee	2/22/2000	\$ 1,000.00
Friends of John Boehner	3/22/2000	\$ 1,000.00
Dewine For US Senate	4/17/2000	\$ 1,000.00
Bill McCollum for US Senate	5/17/2000	\$ 250.00
Steve Chabot for Congress	6/8/2000	\$ 500.00
Steve Chabot for Congress	6/8/2000	\$ 500.00
Steve Chabot for Congress	6/8/2000	\$ 1,000.00
Voinovich for Senate Committee	6/19/2000	\$ 1,000.00
Lazio 2000 Inc	8/9/2000	\$ 2,000.00
Friends of Dylan Glenn	8/22/2000	\$ 250.00
Ohio State Central & Executive Committee	8/29/2000	\$ 1,000.00
Senior Power Campaign Committee DBA GRAY PAC	9/1/2000	\$ 500.00
Lazio 2000 Inc	9/2/2000	\$ (1,000.00)
Lazio 2000 Inc	9/2/2000	\$ 1,000.00
Campaign for Working Families	9/6/2000	\$ 1,000.00
National Republican Congressional Committee	9/7/2000	\$ 5,000.00
Keyes 2000 Inc	9/15/2000	\$ 500.00
Campaign for Working Families	12/18/2000	\$ 1,000.00
Portman for Congress Committee	8/27/2001	\$ 1,000.00
Campaign for Working Families	12/12/2001	\$ 500.00
Portman for Congress Committee	3/5/2002	\$ 1,000.00
Steve Chabot for Congress	3/20/2002	\$ 1,000.00
Hutchinson for Senate	3/28/2002	\$ 300.00
Geoff Davis for Congress	3/28/2002	\$ 250.00
Geoff Davis for Congress	5/15/2002	\$ 250.00
Ed Bryant for US Senate Inc	6/20/2002	\$ 1,000.00
Barr for Congress	8/20/2002	\$ 500.00
Turner for Congress	10/4/2002	\$ 250.00

Geoff Davis for Congress	10/16/2002	\$ 1,000.00
National Republican Congressional Committee Contributions	10/17/2002	\$ 7,500.00
Perkins for Senate	10/28/2002	\$ 1,000.00
Geoff Davis for Congress	2/26/2003	\$ 2,000.00
Geoff Davis for Congress	2/26/2003	\$ 2,000.00
Family First	3/31/2003	\$ 5,000.00
Bill McCollum for US Senate	4/14/2003	\$ 500.00
Campaign for Working Families	4/29/2003	\$ 2,000.00
Friends of Bob Barr	5/1/2003	\$ 500.00
Campaign for Working Families	6/10/2003	\$ 3,000.00
Robinson for Congress	6/26/2003	\$ 500.00
Marvin Scott for US Senate	9/2/2003	\$ 500.00
Majority Initiative to Keep Electing Republicans Fund	9/23/2003	\$ 1,000.00
MIKE PAC	9/23/2003	\$ 1,000.00
Milead Fund	9/23/2003	\$ 1,000.00
Carolina Majority PAC	9/23/2003	\$ 2,000.00
John Swallow for Congress Inc	12/31/2003	\$ (2,000.00)
John Swallow for Congress Inc	12/31/2003	\$ 4,000.00
Portman for Congress Committee	1/20/2004	\$ 1,000.00
Robinson for Congress	1/30/2004	\$ 500.00
Marvin Scott for US Senate	2/6/2004	\$ 500.00
Pat Toomey for Congress Committee	2/11/2004	\$ 250.00
Pat Toomey for Congress Committee	4/7/2004	\$ 250.00
Friends of John Boehner	4/20/2004	\$ 1,000.00
Robinson for Congress	5/3/2004	\$ 500.00
Marvin Scott for US Senate	6/10/2004	\$ 500.00
Cain for US Senate	6/23/2004	\$ 500.00
Brad Smith for Congress	6/25/2004	\$ 500.00
Robinson for Congress	8/18/2004	\$ 1,000.00
National Republican Congressional Committee	10/5/2004	\$ 5,000.00
National Republican Congressional Committee	10/6/2004	\$ 2,000.00
		\$ 84,650.00